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Letter dated 4 October 2004 from the Secretary-General addressed to the President of the Security Council

Members of the Council will recall that, in its resolution 1564 (2004) of 18 September 2004, the Security Council requested me, inter alia, to "rapidly establish an international commission of inquiry in order immediately to investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties, to determine also whether or not acts of genocide have occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable".

I have the honour to inform you that, pursuant to the request of the Council, I have appointed a five-member Commission, to be chaired by Antonio Cassese (Italy), former President of the International Criminal Tribunal for the Former Yugoslavia. In addition to Mr. Cassese, the other members of the Commission are: Thérèse Striggner Scott (Ghana), Mohamed Fayek (Egypt), Hina Jilani (Pakistan) and Diego García-Sayán (Peru).

Dumisa Ntsebeza (South Africa) will be the Executive Director of the Commission and head of the technical and administrative team providing support to the Commission.

The International Commission of Inquiry for Darfur shall:

(a) Investigate reports of serious violations of international humanitarian law and human rights law committed in Darfur by all parties in the current conflict;

(b) Qualify crimes and determine whether or not acts of genocide have occurred or are still occurring;

(c) Determine responsibility and identify the individual perpetrators responsible for the commission of such violations, and recommend accountability mechanisms before which those allegedly responsible would be brought to account.

In the conduct of its inquiry, the Commission shall enjoy the full cooperation of the Government of the Sudan. It shall be provided with the necessary facilities to enable it to discharge its mandate and shall, in particular, be guaranteed freedom of movement throughout the territory, freedom of access to all sources of information, both testimonial and physical evidence, and all documentary material. Appropriate security arrangements for the personnel and documents of the Commission shall be provided, and protection of victims and witnesses and all those appearing before the Commission in connection with the inquiry shall be guaranteed.

I have asked the Commission to submit a report to me within 90 days from the start of its activities.

(*Signed*) Kofi A. **Annan**

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